



**PATENT APPLICATION DECLARATION COMBINED
WITH POWER OF ATTORNEY**

☒ REGULAR (UTILITY) OR ☐ DESIGN APPLICATION
(check one)

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "Automated DSL Performance Adjustment", Attorney Docket No. 1033-NW1002 (SBC File No. NW1002), the specification of which:

☐ is attached hereto.

☒ was filed on January 20, 2004 as U.S. Application Serial No. 10/761,123 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I hereby authorize my attorney(s) or agent(s) to fill in the U.S. Application Serial No. above, if required.

I acknowledge the duty to disclose information material to patentability of this application in accordance with Title 37, Code of Federal Regulation, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

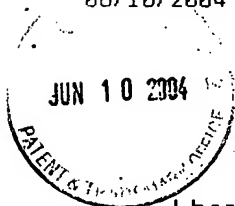
Prior Foreign Application(s):

☒ no such applications filed

☐ such applications identified as follows:

Priority Claimed

<u>(Serial No.)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>
_____ (Serial No.)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>Yes</u>	<u>No</u>
_____ (Serial No.)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>Yes</u>	<u>No</u>
_____ (Serial No.)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>Yes</u>	<u>No</u>



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I hereby claim the priority benefit under Title 35, United States Code, Section 119(e) of any United States Provisional application(s); or under Section 120 of any United States application(s); or under Section 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material as defined in Title 37, Code of Federal Regulations, Section 1.56 which becomes available between filing date of the prior application and the national or PCT international filing date of this application.

Prior U.S. or PCT International Application(s):

- (Check one)
- ☒ no such applications filed
- ☐ such applications identified as follows:

(Application Serial No.)	(Filing Date)	Status (Patented, Pending, Abandoned)
(Application Serial No.)	(Filing Date)	Status (Patented, Pending, Abandoned)

I hereby declare that: as to any claimed subject matter of this application which is common to my earlier United States or foreign application(s), if any, which I have identified above and claimed the benefit of priority thereof, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the first of said earlier application(s), or in public use or on sale in the United States more than one year prior to the first of said earlier application(s), and that the common subject matter has not been patented or made the subject of an inventor's certificate before the date of the first of said earlier U.S. application(s) in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the first of said earlier U.S. application(s), if any; and that, as to any claimed subject matter of this application which is not common to said earlier application(s), if any, I do not know and do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or

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my legal representatives or assigns more than twelve months (six months if the present application is a design patent application) prior to the date of this application.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from either his foreign patent agent or corporate representative, if any, as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the attorney(s) and/or agent(s) named below, or any attorney or agent associated with the Customer Number provided below, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

CUSTOMER NUMBER 34,456

The appointed attorneys include


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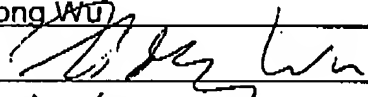
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's signature:	<u></u>		
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Full name of Second inventor:	<u>Xidong Wu</u>		
Inventor's signature:	<u></u>		
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Inventor's signature:	<u><i>Jim T Otsuka</i></u>		
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Full name of Fourth inventor:	<u>John Porter Van Slyke</u>		
Inventor's signature:	<u><i>John P Van Slyke</i></u>		
Date:	<u>03/24/2004</u>		
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